



Comptroller General
of the United States

1101510

Washington, D.C. 20548

Decision

Matter of: Allison Engine Company, Inc.

File: B-257691

Date: October 4, 1994

DECISION

Allison Engine Company, Inc. protests the terms of request for proposals (RFP) No. N000383-94-R-0184, issued by the Department of the Navy, Aviation Supply Office (ASO), for turbine vane segments to be used in T-56 aircraft engines. The protester contends that the solicitation is defective because it does not specify the qualification and contractual quality requirements that were used to qualify the original part, as required by 10 U.S.C. § 2383 (1988).

We dismiss the protest.

The four different segments solicited together comprise the first stage vane assembly of the T-56 engine, which directs gas flow to the turbine section of the engine. The segments are considered flight critical items because a failure of the first stage vane assembly could cause secondary failures of other gas path parts and lead to a total loss of engine power. Because the turbine vanes are considered flight critical, they are to be acquired only from approved sources.

The RFP, which was issued on April 7, 1994 with a closing date of May 9, contemplated the award of either a 1-year or a 3-year requirements contract to an approved source. The solicitation required that the awardee establish and maintain an inspection system in accordance with military specification MIL-I-45208 and selected paragraphs of MIL-Q-9858A to assure that all delivered items conformed to contract requirements. In addition, the solicitation required production lot samples and set forth the production lot sample tests. The RFP also contained a requirement that castings¹ used to manufacture the vanes be acquired from an

¹Casting is the process of pouring molten metal into a mold and allowing it to cool and solidify into a nearly finished configuration. The part is then machined to a finished configuration.

Allison-approved casting source² and that they be obtained from the same source named in the source approval request.

Prior to issuance of the solicitation, the Naval Air Systems Command (NAVAIR) had approved two sources for the vane segments: Allison and Johnson Technology. Johnson had been approved as a source based on its stated intent to acquire castings from Vickers, an Allison-approved casting source. While conducting a review to certify current approved sources of supply for this RFP, ASO source development personnel discovered that Vickers was no longer in business. They therefore removed Johnson as an approved source, but noted that the firm could be reinstated if it were able to establish a sales agreement with Concord Casting, the sole remaining Allison-approved casting source. Johnson subsequently advised the ASO that Concord Casting would not be authorized to supply castings to a company other than Allison. The Navy was thus left with only one approved source for the parts, Allison.

To enhance competition, the ASO issued an amendment to the solicitation on May 5, which substituted a requirement that castings be acquired from a NAVAIR-approved casting source for the requirement that they be obtained from an Allison-approved casting source.

Prior to the closing time for receipt of proposals, Allison filed an agency-level protest alleging that the solicitation was defective. By letter dated June 8, the contracting officer denied the protest. Allison protested to our Office on June 23. Subsequently, on July 13, the ASO issued Amendment No. 0002 to the RFP, which incorporated first article and production lot test requirements for each of the four vane segments and extended the closing date to July 29.

Allison argues that the solicitation is defective because it does not specify the qualification and contractual quality requirements that were used to qualify the original parts. The protester contends that incorporation of the original qualification and quality assurance standards is required by 10 U.S.C. § 2383³ unless the Secretary of Defense (or his

²The Navy explains that it included the requirement for an Allison-approved casting source since Allison had developed the T-56 engine and had already approved several casting sources.

³Subsection (a) of 10 U.S.C. § 2383 provides as follows:

"In procuring any spare or repair part that is critical to the operation of an aircraft or ship,
(continued...)"

delegate) has determined in writing that the standards are unnecessary, and that such a determination has not been made here.

We dismiss the protest as premature because it is clear from the agency report that the ultimate authority for determining the qualification and quality assurance standards to be applied to the critical parts in question, NAVAIR, has not yet made a definitive determination regarding the applicable standards and has therefore not determined whether any of the requirements used to qualify the original production parts are unnecessary.

The ASO reports that it performs an initial review of each source approval request for flight critical parts to ascertain that all the information required for engineering evaluation by NAVAIR has been furnished.⁴ It also recommends testing requirements to be included in a contract awarded to an approved source that has not yet supplied the item to the Navy.⁵ The ASO then forwards all packages that contain the required information to NAVAIR for final engineering approval and approval or disapproval of the source approval request. NAVAIR, during its engineering review, may accept, modify, or reject the proposed testing

³(...continued)

the Secretary of Defense shall require the contractor supplying such part to provide a part that meets all appropriate qualification and contractual quality requirements as may be specified and made available to prospective offerors. In establishing the appropriate qualification requirements, the Secretary of Defense shall utilize those requirements, if available, which were used to qualify the original production part, unless the Secretary of Defense determines in writing that any or all such requirements are unnecessary."

⁴The information that potential sources are required to furnish is summarized in the ASO Source Approval Information brochure. The submittal requirements vary depending on whether the source is seeking approval for an item which it has previously provided to the original equipment manufacturer (same item); an item which is similar to an item previously furnished to the original equipment manufacturer, the Air Force, or the Navy; or an item which is not similar to an item previously furnished (new item).

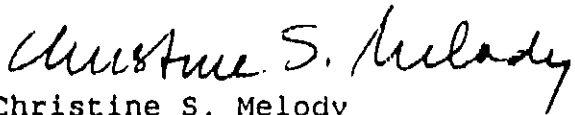
⁵The test requirements recommended by the ASO were incorporated into the solicitation by Amendment No. 0002.

requirements and is the designated authority to establish minimum requirements for quality assurance and qualification.

At this point, NAVAIR has not yet determined whether it will accept the ASO's recommendations as to the appropriate qualification and quality assurance requirements or impose additional requirements. As a consequence, NAVAIR has not yet determined whether any of the requirements used to qualify the original production parts are unnecessary. Until NAVAIR has made such a determination, Allison's protest alleging a violation of 10 U.S.C. § 2383 can only be viewed as premature.

To the extent the protester is arguing that until NAVAIR has made a definitive decision regarding the qualification and quality assurance standards, it cannot intelligently prepare its offer since it will not know the standards that the parts will be required to meet, we note that any change in the qualification testing requirements would not affect the protester since its part is already qualified and it has not sought to qualify an alternate part. Moreover, any significant changes to the quality assurance standards imposed by NAVAIR would require the agency to give offerors an opportunity to consider the impact that any such changes might have on their pricing.

The protest is dismissed.


Christine S. Melody
Assistant General Counsel